

REMARKS

I. Introduction

While Claims 1-92 remain pending in the present application, the December 27, 2007, Office Action (herein "Office Action"), only acted on Claims 1-3, 5-9, 12-15, 17, 18, 48-54, 57-61, 63, and 84-87. These claims having been identified as the Group I Claims in a response to an election of species requirement mailed September 21, 2006. Of the claims acted on, at least claims 1, 48, and 84 are generic to both the acted on dependent claims and the non-acted on claims and the non-acted on dependent claims. The Office Action rejected Claims 1-3, 5-9, 12-15, 17, 18, 48-54, 57-61, 63, and 84-87 under 35 U.S.C. § 102(e) as being anticipated by "DragThing." Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over DragThing. While applicants respectfully disagree, in order to advance the prosecution of this application, independent claims 1, 48, and 84 have been amended. While amended, Claims 1, 48, and 84 remain generic. Grammatical corrections have been made to Claims 5 and 52.

Applicants note that the Examiner used three separate references to describe the alleged function of the DragThing (hereinafter "DragThing") software application available at the time of filing. Applicants will continue to reference the three separate references as the Examiner has named them within the Office Action. Applicants will only evaluate the DragThing software application as set forth in the cited responses. Thus, a DragThing Review from Applelinks will continue to be referred to as "Apple." The about information from the DragThing Web site using web.archive.org will continue to be referenced as "DT1." Further, the version history of DragThing from version 1.0 – 4.3 located on the main Web site of DragThing will be referred to as "DT2."

Pursuant to 37 C.F.R. § 1.111 and for the reasons set forth below, applicant respectfully requests reconsideration and allowance of the pending claims. Prior to discussing in detail why

applicant believes that all the claims in this application are allowable, a brief description of the disclosed subject matter and a brief description of the teachings of the cited and applied reference are provided. The following descriptions of the disclosed subject matter and the cited and applied reference are not provided to define the scope or interpretation of any of the claims of this application. Instead, these descriptions are provided solely to assist the United States Patent and Trademark Office in recognizing the differences between the pending claims and the cited references, and should not be construed as limiting on the disclosed subject matter.

II. Disclosed Subject Matter

A method for managing two software application windows is disclosed. The method may be implemented in a computer system including a display and at least two software applications windows. The software application windows are represented as graphical windows in a first portion of the display and as graphic controls on a second portion of the display when the software applications are instantiated on the computer system. In accordance with the method, an operating environment obtains an indication to organize a first graphic control corresponding to a first initiated software application and a second initiated graphic control corresponding to a second software application. The operating environment groups the first and second graphic controls on the second portion of the display. Additionally, the operating environment automatically, without user input, displays the first and second graphic controls as a group control tile within the second portion of the display. **The group control tile is configured for simultaneous action on the first and second instantiated software applications.**

III. Summary of the Cited Reference, DragThing

DragThing is purportedly directed toward a software application that allows a user to create multiple "docks." See Apple, page 2, paragraph 2. DragThing purportedly allow a user to organize applications within the dock. See Apple, page 1, paragraphs 1-3. The dock of

DragThing allows a user to "drag an application from the Finder into an empty square in a dock." DragThing may allow a user may control the size and display of the dock itself. **However, DragThing does not disclose a method in which a single group control tile acts simultaneously on multiple instantiated software applications.**

IV. Claim Rejections

A. The Rejection of Claims 1-3, 5-9, 12-15, 17, 18, 48-54, 57-61, 63, and 84-87

Under 35 U.S.C. § 102(e)

i. Independent Claim 1

Claim 1, as amended, recites as follows:

1. In a computer system including a display and at least two software applications, wherein the software applications are represented as graphical windows in a first portion of the display and as graphic controls on a second portion of the display when the software applications are instantiated on the computer system, a method for managing the at least two software applications comprising:

obtaining an indication to organize a first graphic control corresponding to a first instantiated software application and a second graphic control corresponding to a second instantiated software application;

grouping the first and second graphic controls on the second portion of the display; and

automatically, without user input, displaying the first and second graphic controls as a group control tile within the second portion of the display, the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application.

(Emphasis added)

Applicant submits that DragThing fails to teach each and every element of Claim 1. In particular, DragThing fails to teach or even remotely suggest "**automatically, without user input, displaying the first and second graphic controls as a group control tile within the**

second portion of the display, the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application." The Office Action states that a "user can group controls together in layers with group controls called tabs." The Office Action asserts that this user controlled action of DragThing is the same as **automatically** displaying graphic controls as a group as recited in Claim 1. Applicant respectfully disagrees. A user controlled action and an automatic action are simply not the same. Claim 1, as amended, clearly recites **automatically, without user input**, displays the first and second graphic controls as a group control tile within the second portion of the display. This is clearly not the same as a user grouping controls in layers.

Claim 1 also recites that: "**the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application.**" In other words, the group control tile created by grouping the first and second graphic controls, controls the actions of multiple instantiated software applications i.e. open graphic windows. For example, the group control tile may simultaneously cause data associated with both the first instantiated software applications and the second instantiated software application to be saved. DragThing fails to disclose or even remotely suggest either a group control tile or the associated functionality recited in Claim 1. As mentioned above, DragThing only appears to allow basic level organization of shortcuts for applications and files. DragThing fails to mention graphic controls. The figures of DragThing only display icons and shortcuts that may be used to open single applications. DragThing does not teach or suggest a group control tile configured for simultaneous action on multiple software applications.

Under 35 U.S.C. § 102(e), a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (February 2003). DragThing does not explicitly teach, suggest, or describe the foregoing recitations of Claim 1. Thus, applicants respectfully request that the 35 U.S.C. § 102(e) rejection of Claim 1 be withdrawn and the claim be allowed.

ii. Dependent Claims 2-3, 5-9, 12-15, 17 - 18

Since, claims 2-3, 5-9, 12-15, and 17-18 depend directly or indirectly from Claim 1, these claims are submitted to be allowable for at least the same reasons presented above with respect to Claims 1. Further, many of Claims 2-3, 5-9, 12-15, and 17-18 include additional recitations that are not taught or suggested by DragThing. For example, Claim 6 recites saving data within the graphical windows corresponding to the first and second graphic controls. Claim 8 recites monitoring the frequency of manipulation of the first and second graphic controls. Claim 15 recites a project control for toggling software applications. Careful review of DragThing reveals that the recitations are not taught or suggested by DragThing. In view of the foregoing, applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejections of Claims 2-3, 5-9, 12-15, and 17-18 and the allowance of these claims.

iii. Independent Claim 48

Claim 48, as amended, recites as follows:

48. In a computer system including a display and a plurality of software applications, wherein the display includes a desktop for displaying graphical windows and taskbar for controlling the software applications and wherein the plurality of software applications are represented as graphical windows on a desktop portion of the display and

as control tiles on a taskbar portion of the display when instantiated on the computer system, a method for managing the plurality of software applications comprising:

obtaining an indication to group a first control tile corresponding to a first instantiated software application and a second control tile corresponding to a second instantiated software application;

grouping the first and second control tiles on the taskbar portion of the display; and

automatically, without user input, displaying the first and second graphic controls as a group control tile within the second portion of the display, the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application.

(Emphasis added)

Like Claim 1, amended Claim 48 is directed to a method for managing a plurality of software applications. As discussed above with regard to Claim 1, DragThing fails to teach or even remotely suggest the highlighted portion of claim 48, namely "automatically, without user input, displaying the first and second graphic controls as a group control tile within the second portion of the display, the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application" as recited in Claim 48. Accordingly, applicants respectfully request withdrawal of the rejection of Claim 48 under 35 U.S.C. § 102(e) and the allowance of this claim.

iv. Dependent Claims 49-54, 57-61, 63

Since Claims 49-54, 57-61, and 63 depend directly or indirectly from Claim 48, these claims are submitted to be allowable for at least the same reasons presented above with respect to Claim 48. Further, many of Claims 49-54, 57-61, and 63 include additional recitations that are not taught or even remotely suggested by DragThing. For example, Claim 58 recites displaying a continuous border around the first and second control tiles indicating the association of the first

and second control tiles to the group. DragThing does not teach or suggest this recitation. Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejections of Claims 49-54, 57-61, and 63 and the allowance of these claims.

v. Independent Claim 84

Claim 84, as amended, recites as follows:

84. A computer system for managing a plurality of software applications, the system comprising:

means for displaying two or more software applications as graphical windows when the two or more software applications are instantiated on the computer system;

means for displaying two or more control tiles corresponding two or more software applications when the two or more software applications are instantiated on the computer system; and

means for automatically, without user input, displaying the first and second graphic controls as a group control tile within the second portion of the display, the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application.

(Emphasis added)

While Claim 84 is directed to a computer-readable medium for utilizing test notifications, it includes recitations, highlighted above, similar to the highlighted recitations of Claims 1 and 48. Thus, for similar reasons as those stated above with regard to Claims 1 and 48, applicants submit that Claim 84 is allowable. In this regard, as discussed above with respect to Claims 1 and 48, DragThing fails to teach or even remotely suggest "means for automatically, without user input, displaying the first and second graphic controls as a group control tile within the second portion of the display, the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application" as

recited in Claim 84. Accordingly, applicants respectfully request withdrawal of the rejection of Claim 84 under 35 U.S.C. § 102(e) and the allowance of this claim.

vi. Dependent Claims 85-87

Claims 85-87, which depend directly or indirectly from Claim 84 are submitted to be allowable for at least the same reasons presented above with respect to Claim 84. Further, many of Claims 85-87 include recitations that are not taught or suggested by DragThing. For example, Claim 85 adds means for generating a set of guides indicating one or more possible organizations of control tiles. DragThing clearly does not teach or suggest this recitation. Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejections of Claims 85-87 and allowance of the claims.

B. The Rejection of Claim 4 Under 35 U.S.C. § 103(a)

Claim 4 depends from Claim 1 and is submitted to be allowable for at least the same reasons presented above with respect to Claim 1. Claim 4 includes an additional recitation that adds to the patentability of Claim 4. In this regard, applicants agree with the Office Action that DragThing does not disclose a curved carat to indicate the inclusion of a selected graphic control into a group and a straight line to indicate the exclusion of a selected graphic control from a group. However, the Office Action asserts that this recitation is obvious. Applicants respectfully disagree and submit that Claim 4 is allowable. Thus, applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 4 and the allowance of this claim.

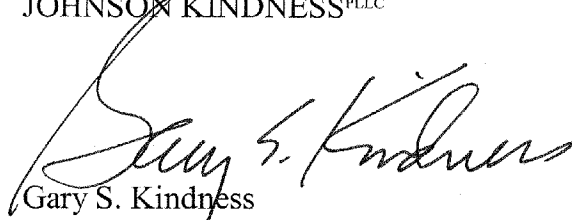
CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that all of the claims remaining in the present application, namely Claims 1-3, 5-9, 12-15, 17, 18, 48-54,

57-61, 63, and 84-87 are allowable. Consequently, early and favorable action allowing these claims and passing this application to issued is solicited. If any questions remain, the Examiner is invited to contact applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

A handwritten signature in black ink, appearing to read "Gary S. Kindness", is written over the printed name.

Gary S. Kindness
Registration No. 22,178
Direct Dial No. 206.695.1702

GSK/MLR:sbk

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100